



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,161	09/09/2003	Jeyhan Karaoguz	14167US02	5714
23446 7590 08/28/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER RUSSELL, WANDA Z	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 08/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 7/28/2008 have been fully considered but they are not persuasive.
2. Applicant repeats some statements from the non-final rejection mailed on 11/15/2007 for arguments. The final rejection mailed on 5/27/2008 responded all issues applicant argued for the non-final rejection.
3. Applicant argues that the Examiner relies for support on a new citation (col. 17, lines 37-39) of Matthews, and points out that col. 17, lines 37-39 of Matthews simply provide a definition of the term "connection", and it does not disclose any aggregation of physical layer messages.

In response, the Examiner respectfully disagrees.

The statement the examiner quoted is "combination of source port, source MAC, and destination MAC mapped to outbound port", refer to col. 17, lines 37-39. The "combination" means the same as "aggregation" as claimed, and the "source port, source MAC, and destination MAC mapped to outbound port" are "physical layer messages" as claimed. The description is from the same reference by Matthews, as used before.

4. Applicant argues that the Final Office Action at page 8 continues to rely on Fig. 2 of Voldman, which discloses the conventional protocol stack for a data-over-cable system. This time, however, the Examiner is relying on the link security stack 46, instead of the PPP stack 50. There is no disclosure in Voldman that the link security

stack 46 is a multiprotocol layer above the MAC layer. In fact, the link security stack 46 is in the same layer (data link layer) as the MAC 44.

In response, the Examiner respectfully disagrees.

The examiner still uses the PPP stack 50 along with the link security stack 46 as multiprotocol layer above the MAC layer for the rejection of claim 41. As seen in Fig. 2 of Voldman, the PPP stack 50 and the link security stack 46 recite beyond the MAC layer. Comparing the above description with the specification by the applicant "a layer immediately above and interfacing with the MAC layer", the PPP stack 50 and the link security stack 46 are interpreted as the "multiprotocol layer above the MAC layer", as claimed.

5. Applicant argues that the link security stack 46 is in the same layer (data link layer) as the MAC 44, not above MAC layer.

In response, the Examiner respectfully disagrees.

As explained above in Section 4, from Fig. 2 of Voldman, the PPP stack 50 and the link security stack 46 recite beyond the MAC layer. The PPP stack 50 and the link security stack 46 are interpreted as the "multiprotocol layer above the MAC layer", as claimed.

In addition, by the characteristics, the claimed multiprotocol layer along with the MAC layer constitutes the extended definition of link layer from the conventional defined link layer. This further explains the equivalence of "the PPP stack 50 and the link security stack 46" and the "multiprotocol layer above the MAC layer" as claimed. In fact, as the examiner pointed out, the applicant clearly states "single multi-protocol layer as a

sublayer within a data link layer” in claim 4. The claimed “multiprotocol layer” recites in the data link layer.

6. Applicant argues that since claim 41 is independent, no limitations from other dependent claims may be brought into the analysis of claim 41.

The statement the examiner used in the final rejection was “The examiner also points out that although the claim 41 is independent, it is a system claim associating (note: not reading limitations into the claim 41) with other method claims in the invention. In claim 4, applicant clearly states “single multi-protocol layer as a sublayer within a data link layer”. This is exactly what depicted in Fig. 2 by Voldman et al.

7. Rejection of dependent claims remains effective.

WZR/Wanda Z Russell/
Examiner, Art Unit 2616